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10 WATER AGENCY

11
12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 SANTA CLARITA VALLEY WATER AGENCY,
17 Plaintiff,
18 vs.
19 WHITTAKER CORPORATION and DOES 1-10, Inclusive,
20 Defendant.

21
22 AND RELATED CASES
23

Case No: 2:18-cv-6825 SB (RAOx)

*Assigned to Hon. Stanley Blumenfeld,
Jr.*

JOINT WITNESS LIST—SECOND AMENDED

Date Action Filed: August 8, 2018
Trial Date: November 15, 2021

1 Pursuant to Federal Rule of Civil Procedure 26 and Local Rule 16, the
 2 Parties provide the following list of likely trial witnesses. The following witnesses
 3 will testify via portions of deposition testimony or to the extent available, via zoom
 4 and/or in-person testimony. The nature of the testimony briefly described, its
 5 relevance and admissibility, and the time estimates provided are necessarily only
 6 guides, also subject to further revision. In addition, certain Plaintiff witnesses are
 7 relevant to Saugus Industrial Center's ("SIC") liability. Depending on the court's
 8 decision on limiting or precluding testimony regarding SIC's liability for VOC
 9 contamination, the scope of certain witness testimony may change or be
 10 eliminated. Pursuant to L.R. 16-5, asterisks have been placed next to the names of
 11 those witnesses whom Plaintiff may call only if the need arises.

12 Defendant's Amended Proposed Witness List is attached hereto as Exhibit
 13 A.

14 Plaintiff's Amended Witness List:

1. Keith Abercrombie	110 min. (90 min. direct/20 min. cross)
He will testify regarding the necessity for SCV Water to purchase replacement water, costs of replacement water, and the current state of well operations and impact of contamination on SCV Water supply and operations. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. As an employee of SCV Water with information relevant to SCV Water's claims, his testimony is highly	

1	probative with no risk of unfair	
2	prejudice, confusion of issues, or	
3	waste of time. FRE 403.	
4	2. Hassan Amini*	65 min. (45 min. direct/20 cross)
5	He will testify regarding Whittaker's	
6	conduct concerning contamination of	
7	the Whittaker Site. Mr. Amini is a	
8	Whittaker consultant serving as	
9	program coordinator for	
10	investigation and remediation	
11	activities at the Whittaker Site. His	
12	testimony is relevant to establishing	
13	that a release occurred under	
14	CERCLA, contribution to	
15	contamination under RCRA, and	
16	causation for SCV Water's state	
17	common law claims. Therefore, his	
18	testimony is highly probative and	
19	does not present an issue of unfair	
20	prejudice, confusion of issues, or	
21	waste of time. FRE 403.	
22	3. Steve Cole*	140 min. (120 min. direct/20 min. cross)
23	He will testify regarding SCV	
24	Water's prior relations with	
25	Whittaker Corporation and	
26	operational aspects of SCV Water.	
27	His testimony is relevant to	
28		

<p>1 Plaintiff's CERCLA claims, RCRA 2 claim, and state common law claims. 3 FRE 402. As an employee of SCV 4 Water with information relevant to 5 SCV Water's claims, his testimony 6 is highly probative with no risk of 7 unfair prejudice, confusion of issues, 8 or waste of time. FRE 403.</p>	
<p>9 4. Gary Hokkanen</p> <p>10 The parties have agreed that Mr. 11 Hokkanen will testify on identified 12 opinions in Plaintiff's case-in-chief. 13 He will testify, including via 14 portions of deposition testimony and 15 related expert report, relating to 16 contamination pathways from the 17 Whittaker site to Plaintiff's wells, 18 the hydrogeology of the area, the 19 impact of Whittaker's onsite wells 20 on offsite groundwater 21 contamination, and related opinions. 22 His testimony is relevant to 23 Plaintiff's CERCLA claims, RCRA 24 claim, and state law claims. FRE 25 402. He has been designated by</p>	<p>60 min. (45 min. cross/15 min. direct)¹</p>

26
27 _____
28 ¹ Defendant's estimate for time for testimony for Gary Hokkanen is 130 min. (100
min. direct/30 min. cross).

1 Whittaker as an expert to opine on
 2 the contamination pathways from the
 3 Whittaker site to Plaintiff's wells,
 4 the hydrogeology of the area, the
 5 impact of Whittaker's onsite wells
 6 on offsite groundwater
 7 contamination. If the Court allows
 8 Whittaker to present Hokkanen's
 9 opinions regarding the Whittaker
 10 Site, then SCV Water's presentation
 11 of his testimony is highly probative
 12 and does not present an issue of
 13 unfair prejudice, confusion of issues,
 14 or waste of time. FRE 403.

15 **5. Richard Hugto** **215 min. (180 min. direct/45 min. cross)**

16 He will testify consistent with his
 17 expert report and deposition,
 18 including opinions related to
 19 Whittaker's (pre-1987 closure) waste
 20 disposal practices, industry standards
 21 and regulatory history. His
 22 testimony is relevant to establishing
 23 that a release occurred under
 24 CERCLA, contribution to
 25 contamination under RCRA, and
 26 causation for SCV Water's state
 27 common law claims. FRE 402.

<p>1 SCV Water has designated Mr. 2 Hughto as its only expert witness 3 regarding Whittaker's historical 4 waste disposal practices, industry 5 standards and regulatory history. 6 Therefore, his testimony is highly 7 probative and does not present an 8 issue of unfair prejudice, confusion 9 of issues, or waste of time. FRE 10 403.</p>	
<p>11 6. James Jisa (depo read)</p>	<p>60 min. (45 min. direct/15 min. 12 cross/counter-designations)</p>
<p>13 He will testify via portions of 14 deposition testimony regarding 15 historical disposal practices at the 16 Whittaker Site. His testimony is 17 relevant to establishing that a release 18 occurred under CERCLA, 19 contribution to contamination under 20 RCRA, and causation for SCV 21 Water's state common law claims. 22 FRE 402. Mr. Jisa worked at the 23 Whittaker Site and was a percipient 24 witness to Whittaker's historical 25 disposal practices. Therefore, his 26 testimony is highly probative and 27 does not present an issue of unfair</p>	

1	prejudice, confusion of issues, or	
2	waste of time. FRE 403.	
3	7. Eric Lardiere	150 min. (120 min. cross./30 min. direct)
4	He will testify as an adverse witness	
5	regarding SCV Water's prior	
6	relations with Whittaker	
7	Corporation, conditions at the	
8	Whittaker Site, and related topics.	
9	His testimony is relevant to	
10	Plaintiff's CERCLA claims, RCRA	
11	claim, and state law claims. FRE	
12	402. Mr. Lardiere is president and	
13	secretary of Whittaker Corporation	
14	and is a percipient witness to SCV	
15	Water's prior relations with	
16	Whittaker Corporation, conditions at	
17	the Whittaker Site, and related	
18	topics. He is the only Whittaker	
19	officer SCV Water intends to call as	
20	a witness. Therefore, his testimony	
21	is highly probative and does not	
22	present an issue of unfair prejudice,	
23	confusion of issues, or waste of time.	
24	FRE 403.	
25	8. Zoyd Luce (depo read)	60 min. (45 min. direct/15 min.
26		cross/counter-designations)
27		
28		

1 He will testify via portions of
 2 deposition testimony regarding past
 3 environmental, health and safety
 4 practices at the Whittaker Site. His
 5 testimony is relevant to establishing
 6 that a release occurred under
 7 CERCLA, contribution to
 8 contamination under RCRA, and
 9 causation for SCV Water's state
 10 common law claims. FRE 402. Mr.
 11 Luce served as Whittaker's Manager
 12 of Safety and Security, worked at the
 13 Whittaker Site, and was a percipient
 14 witness to environmental, health and
 15 safety practices at the Whittaker Site.
 16 Therefore, his testimony is highly
 17 probative and does not present an
 18 issue of unfair prejudice, confusion
 19 of issues, or waste of time. FRE 403.

20 **9. Dan Masnada**

21 **105 min. (90 min. direct/15 min. cross)**

22 He will testify regarding aspects of
 23 the history of SCV Water's site and
 24 response to groundwater
 25 contamination and communications
 26 with Whittaker. His testimony is
 27 relevant to Plaintiff's CERCLA
 28 claims (specifically innocent

1 landowner defense), RCRA claim,
 2 and state law claims. FRE 402. Mr.
 3 Masnada is former General Manager
 4 of SCV Water's predecessor, Castaic
 5 Lake Water Agency, and was a
 6 percipient witness to SCV Water's
 7 response to groundwater
 8 contamination and communications
 9 with Whittaker. Therefore, his
 10 testimony is highly probative and
 11 does not present an issue of unfair
 12 prejudice, confusion of issues, or
 13 waste of time. FRE 403.

14 **10. Issam Najm** **150 min. (120 min. direct/30 min. cross)**

15 He will provide expert testimony
 16 regarding the treatment system
 17 requirements to address volatile
 18 organic compounds ("VOCs") and
 19 perchlorate contamination. His
 20 testimony is relevant to Plaintiff's
 21 CERCLA claims, RCRA claim, and
 22 state law claims. FRE 402. Dr.
 23 Najm is SCV Water's only living
 24 expert testifying regarding the
 25 treatment system to address VOCs
 26 and perchlorate contamination.
 27 Therefore, his testimony is highly
 28

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	probative and does not present an issue of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
	11. Jeffrey O'Keefe*	60 min. (45 min. direct/15 min. cross)
	He will testify regarding DDW well permitting. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state common law claims. FRE 402. As a DDW official with information relevant to Plaintiff's claims, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
	12. Bradley Peach	60 min. (45 min. direct/15 min. cross)
	He will testify regarding Whittaker's historical manufacturing, storage, and releases of hazardous substances on the Whittaker Site. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He was a percipient witness to Whittaker's historical actions with regard to hazardous substances on the Whittaker Site. Therefore, his	

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
	13. John Peloquin (video play)	60 min. (45 min. direct/15 min. cross/counter-designations)
	He will testify via portions of prior deposition testimony regarding Whittaker's historical manufacturing, storage and disposal of hazardous substances on the Whittaker Site. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He was a percipient witness to Whittaker's historical actions with regard to hazardous substances on the Whittaker Site. Therefore, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
	14. Archie Simmons* (depo read)	60 min. (45 min. direct/15 min. cross/counter-designations)
	He will testify regarding Whittaker's historical practices, regulatory	

1 interactions and removal and
2 remedial actions at the Whittaker
3 Site. Witness is deceased and will
4 testify via portions of deposition
5 testimony. His testimony is relevant
6 to Plaintiff's CERCLA claims,
7 RCRA claim, and state law claims.
8 FRE 402. He was a percipient
9 witness to Whittaker's historical
10 actions with regard to hazardous
11 substances on the Whittaker Site.
12 Therefore, his testimony is highly
13 probative with no risk of unfair
14 prejudice, confusion of issues, or
15 waste of time. FRE 403.

15. Alan Sorsher (live video)	90 min. (60 min. direct/30 min. cross)
He will testify remotely via live video regarding Whittaker's historical practices and regulatory interactions. His testimony is relevant to Plaintiff's CERCLA claims, RCRA claim, and state law claims. FRE 402. He was a percipient witness to Whittaker's historical practices and regulatory interactions. Therefore, his testimony is highly probative with	

1	no risk of unfair prejudice, confusion	
2	of issues, or waste of time. FRE	
3	403.	
4	16. Phyllis Stanin	300 min. (240 min. direct/60 min. cross)
5	She will testify consistent with her	
6	expert report and deposition,	
7	including expert opinions related to	
8	contamination pathways from the	
9	Whittaker site to Plaintiff's wells,	
10	the hydrogeology of the area, the	
11	impact of Whittaker's onsite wells	
12	on offsite groundwater	
13	contamination, and related opinions.	
14	Her testimony is relevant to	
15	establishing SCV Water's RCRA	
16	claim, CERCLA claims, and state	
17	law claims. FRE 402. Dr. Stanin is	
18	the only SCV Water expert testifying	
19	regarding contamination pathways	
20	and the impact of Whittaker's onsite	
21	wells on offsite groundwater	
22	contamination. Therefore, her	
23	testimony is highly probative with	
24	no risk of unfair prejudice, confusion	
25	of issues, or waste of time. FRE	
26	403.	
27	17. Mark Trudell	240 min. (180 min. direct/60 min. cross)
28		

1 He will testify consistent with his
2 expert report and deposition,
3 including as to the source(s) of VOC
4 contamination found in Plaintiff's
5 wells as well as transport
6 characteristics of VOCs. His
7 testimony is relevant to Plaintiff's
8 CERCLA claims, RCRA claim, and
9 state law claims. FRE 402. Dr.
10 Trudell is the only SCV Water
11 expert testifying regarding the
12 source(s) of VOC contamination
13 found in Plaintiff's wells as well as
14 transport characteristics of VOCs.
15 Therefore, his testimony is highly
16 probative with no risk of unfair
17 prejudice, confusion of issues, or
18 waste of time. FRE 403.

19 **18. Norman Wenck (depo read)**

20 **60 min. (45 min. direct/15 min.**
21 **cross/counter-designations)**

22 He will testify regarding the removal
23 and remedial actions at the
24 Whittaker Site. Witness is deceased
25 and will testify via portions of
26 deposition testimony. His testimony
27 is relevant to Plaintiff's CERCLA
28 claims, RCRA claim, and state law

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	claims. FRE 402. He was a percipient witness to Whittaker's removal and remedial actions. Therefore, his testimony is highly probative with no risk of unfair prejudice, confusion of issues, or waste of time. FRE 403.	
	19. Jeffrey Zelikson (live video) He will testify remotely via live video consistent with his expert report and deposition, focusing on explaining industry and regulatory practices, and SCV Water's practices, relevant to the meaning of substantial consistency with the National Contingency Plan and the hazardous nature of perchlorate, trichloroethylene ("TCE"), and tetrachloroethylene ("PCE"). His testimony is relevant to establishing the NCP compliance element of SCV Water's CERCLA claim, as well as SCV Water's state common law claims. FRE 402. He is SCV Water's only expert testifying regarding SCV Water's practices in light of NCP requirements and	150 min. (120 min. direct/30 min. cross)

1 explaining industry and regulatory
2 practices. Therefore, his testimony
3 is highly probative with no risk of
4 unfair prejudice, confusion of issues,
5 or waste of time. FRE 403.

6
7
8 Date: November 12, 2021

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11
12 By: /s/ Byron Gee
13 Byron Gee
14 Attorneys for Plaintiff SANTA
15 CLARITA VALLEY WATER
16 AGENCY
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EXHIBIT A

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14 Attorneys for Defendant
15 And Counter-Claimant WHITTAKER CORPORATION

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 SANTA CLARITA VALLEY WATER AGENCY, Plaintiffs, vs. WHITTAKER CORPORATION, Defendants.) Case No. 2:18-cv-6825-SB (RAOx)
19) **DEFENDANT AND CROSS-
20) CLAIMANT WHITTAKER
21) CORPORATION'S AMENDED
22) EXHIBIT LIST
23) Trial Date: November 15, 2021
24)
25)
26)
27)
28)**

3158130

1 Pursuant to Federal Rule of Civil Procedure 26 and Local Rule 16,
2 Defendant WHITTAKER CORPORATION (“Whittaker”) provides its list of
3 likely trial witnesses for its case. The following witnesses may testify via portions
4 of deposition testimony or to the extent available, via zoom and/or in-person
5 testimony. Whittaker may also present in their case-in-chief portions of deposition
6 testimony from Plaintiff’s experts, depending on the scope of pre-trial rulings and
7 other issues. Whittaker may amend this list to add or remove potential witnesses
8 before or during trial. The nature of the testimony briefly described and the time
9 estimates provided are necessarily only guides, also subject to further revision.
10 Pursuant to L.R. 16-5, asterisks have been placed next to the names of those
11 witnesses whom Whittaker may call only if the need arises. Given the uncertainty
12 as to which witnesses Plaintiff intends to call, some witnesses currently identified
13 are unlikely to be called or will not be crossed, which will affect Whittaker’s time
14 estimates. Whittaker is cognizant of the Court’s 20-hour limitation on testimony
15 and will comply with the same.
16

1. Keith Abercrombie	20 min. (cross)¹
He will testify regarding the speculative nature of Plaintiff’s damages as well as sources of water for Plaintiff.	
2. Michael Alvord	130 min. (100 min. direct/30 min. cross)

26 _____
27 ¹ Plaintiff’s time estimate for Keith Abercrombie is 110 minutes (90 min. direct/20
28 min. cross).
3158130

1	He will testify as SCVWA's FRCP 2 30(b)(6) witness regarding 3 procedures used by Plaintiff, 4 including testing, to ensure that 5 contaminants do not contaminate 6 their water supply system, as well as 7 the nature of probability of damages, 8 including confirming that future 9 damages are speculative.	
10	3. Anthony Daus	150 minutes (120 direct/30 cross)
11		
12	He will testify regarding the 13 investigation and remediation of the 14 Whittaker-Bermite property and its 15 effect on the fate and transport of 16 contaminants as well as other 17 matters raised in his report and 18 deposition.	
19		
20	4. Gaynor Dawson	100 min. (70 min. direct/30 min. cross)
21		
22	He will testify as an expert as to the 23 history and the standard of care for 24 the operation of the Whittaker Site as 25 well as whether Whittaker complied with the standard of care.	
26		
27	5. Jose Diaz	40 min. (30 min. direct/10 min. cross)
28		

1	He will testify regarding DTSC	
2	oversight of the Whittaker Site as	
3	well as DTSC's future plans.	
4	6. Meredith Durant	35 min (30 min. direct/5 min. cross/counter-designations)
5		
6	She will testify via deposition by	
7	video regarding Plaintiff's	
8	knowledge regarding the state of the	
9	contamination and their	
10	representations to the Department of	
11	Drinking Water.	
12		
13	7. Gary Hokkanen	130 min. (100 min. direct/30 min. cross)
14		
15	He will testify, consistent with	
16	rulings of the Court, regarding	
17	contamination pathways from the	
18	Whittaker site to Plaintiff's wells,	
19	the hydrogeology of the area, the	
20	impact of Whittaker's onsite wells	
21	on offsite groundwater	
22	contamination, and related opinions.	
23		
24	8. Jeffrey Koelewyn	30 min. (20 min. direct/10 min. cross)
25		
26	He will testify as a non-retained	
27	expert regarding Plaintiff's	
28	distribution system, sampling and	
	testing methodology and results,	

1	frequency, and detections of VOCs 2 at Plaintiff's wells and distribution 3 system, blending, as well as his 4 percipient knowledge gained due to 5 his role as Plaintiff's 6 Laboratory/Regulatory Affairs 7 Supervisor.	
8	9. BJ Lechler	60 min. (45 min. direct/15 min. cross)
10	He will testify, as a non-retained 11 expert for Whittaker, regarding his 12 investigations at the site and the 13 conclusions that he reached.	
14	10. James Leserman	40 min. (30 min. direct/10 min. cross)
15	He will testify regarding the 16 remediation of the groundwater, the 17 investigation of the source of the 18 VOCs, the contamination of the 19 distribution system and Plaintiff's 20 future damages.	
21	11. Steven Luis	40 min. (30 min. direct/10 min. cross)
22	He will testify as an expert witness, 23 regarding the issues covered in his 24 expert report and deposition. He 25 will not testify to the opinions 26 excluded by the Court in its ruling	

1	on Plaintiff's Joint Motion in Limine	
2	No. 1.	
3	12. Peter Mesard	50 min. (30 Min direct/20 min. cross)
4	He will testify regarding Plaintiff's	
5	purported adherence to and	
6	compliance with the National	
7	Contingency Plan and whether	
8	Plaintiff can show that a CERCLA	
9	quality clean up can be achieved as	
10	well as issues covered in his expert	
11	report and deposition.	
12	13. Daniel Shoup*	35 min. (20 min. direct/15 min. cross)
13	He will testify as an expert witness	
14	regarding the issues covered in his	
15	expert report and deposition. In light	
16	of the ruling on MIL 1, Whittaker	
17	will only present testimony with	
18	respect which shows (1) the	
19	information he is relying on was	
20	publicly available, and (2) the	
21	publicly available information would	
22	have made Plaintiff reasonably	
23	aware of the risk of TCE or PCE	
24	contamination from the Whittaker or	
25	Keysor Sites.	
26		
27		

1	If Mr. Shoup is offered, an offer of	
2	proof satisfying the Court's ruling	
3	will be provided.	
4		
5	14. Timothy Simpson	60 min (30 min. direct/30 min. cross)
6	He will testify as an expert witness,	
7	regarding the issues covered in his	
8	expert report and deposition. He	
9	will testify regarding ongoing	
10	perchlorate treatment at S1, S2 and	
11	V-201, whether treatment is	
12	necessary at V-205, and the costs	
13	associated with any necessary	
14	treatment at V-201, V-205. He will	
15	testify consistent with the stipulation	
16	between the parties (Dckt No. 400).	
17		
18	15. Richard Slade	45 min. (30 min. direct/15 min. cross)
19	He will testify as Plaintiff's FRCP	
20	30(b)(6) witness about Plaintiff's	
21	decision making in the siting of their	
22	wells and the related investigations.	
23		
24	16. Duane Steffey	65 min. (45 min. direct/20 min. cross)
25	He will rebut Plaintiff's experts'	
26	conclusions that the contamination in	
27	Plaintiff's delivery system is the	
28		

1	result of the conduct of Whittaker as	
2	well as other issues covered in his	
3	expert report and deposition.	
4	As well as whether the data used by	
5	the other experts supports the	
6	conclusions reached by the experts.	
7	17. Matt Stone	45 min. (30 min. direct/15 min. cross)
8	He will testify regarding the	
9	speculative nature of future damages	
10	as well as decisions made by the	
11	SCVWA regarding how to conduct \	
12	the investigation of the alleged	
13	contamination.	
14	18. Lynn Takaichi ²	45 min (deposition designations by video)/5 Minutes Counter Designations
15	He will testify via deposition about	
16	the speculative nature of Plaintiff's	
17	damages as well as other matters	
18	raised in his deposition.	
19	19. Christopher Thompson	20 min (deposition designations) ³
20		
21		
22		
23		
24	<hr/> ² The admissibility of deposition testimony from Lynn Takaichi is subject to the Court's ruling on SCV Water's Motion to Exclude Deposition Testimony of Deceased Expert Lynn Takaichi (Dkt. 395), filed on September 23, 2021.	
25		
26		
27	³ Plaintiff's time estimate for Christopher Thompson is 60 minutes (45 min. direct/15 min. cross).	
28	3158130	

1 He will testify by deposition 2 regarding the investigations of 3 potential contamination at the 4 Whittaker Site.	
5 20. Hassan Amini⁴	65 minutes (20 minutes/45 minutes)
6 He will testify regarding Whittaker's 7 conduct concerning investigation 8 and remediation of contamination 9 at the Whittaker Site. Dr. Amini is a 10 Whittaker consultant serving as 11 program coordinator for 12 investigation and remediation 13 activities at the Whittaker Site.	

15
16
17 Date: November 10, 2021 EDLIN GALLAGHER HUIIE + BLUM
18
19
20
21 By: _____
22 FRED BLUM
23 Attorneys for Defendant
24 AND COUNTER-CLAIMANT
25 WHITTAKER CORPORATION
26
27
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⁴ Plaintiff identifies Hassan Amini as a witness on its list, although it suggests it may not call him. If Plaintiff does not, Whittaker reserves its right to call Mr. Amini. The time estimates duplicate those on Plaintiff's portion of the exhibit list.

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